

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	James F. Holderman	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	09 C 6777	DATE	8/19/2010
CASE TITLE	Technical Engineering Division Local Union 130, U.A. vs. Terrence Fisher		

DOCKET ENTRY TEXT

Union's Motion for Judgment on the Pleadings [28] is granted.

It is the judgment of the court that arbitration is ordered between the plaintiff and the defendant who have each selected an arbitrator but are unable to agree on the third member of the arbitration panel. Pursuant to the parties' agreement as explained more fully below, this court appoints, as the third member of the Arbitration Board, Retired U.S. District Judge Wayne R. Andersen now with JAMS, to be employed, if he so agrees, at his normal fee and can be contacted through case Manager Brooke Stauffer at (312) 655-9191 or bstaufer@jamsadr.com.

■ [For further details see text below.]

Docketing to mail notices.

STATEMENT

This case stems from a dispute between plaintiff Technical Engineering Division Local Union 130, U.A. ("Union") and defendant Terrence Fisher doing business as Layout Services ("Fisher") in the construction industry in the State of Illinois. The dispute arose from what plaintiff Union claims is defendant Fisher's obligation, pursuant to certain contractual agreements, to pay contributions to the Union's Pension Fund, Welfare Fund, Education Fund, and Industry Fund (collectively referred to as "Funds"), as well as other alleged payments due the Union based upon hours worked by each employee covered by the parties' agreements.

An audit report was prepared of what payments plaintiff Union contends are due from defendant Fisher who has refused to pay that amount sought by the Union.

Plaintiff Union and defendant Fisher, the Union's members' claimed employer, agree that the contract requires arbitration of this dispute. Each party has chosen an arbitrator, but their chosen arbitrators are unable to agree on who the third arbitrator should be. The parties agree that their contract states in part at Section 2 of Article V, titled "Arbitration" that:

If the arbitrators selected by the employer and the Union are unable to agree on the third member of the Board of Arbitration within fifteen (15) days, the selection of such third member shall be referred to the senior judge of the United States District Court for the Northern District of Illinois, Eastern Division, at Chicago, and his nominee shall be the third arbitrator.

To resolve the parties' dispute, District Judge Ronald Guzman contacted Chief District Judge James Holderman and by consent of those judges transferred this case to Chief Judge Holderman's docket.

STATEMENT

Chief Judge Holderman, as the chief judge of this district court, holds the top seniority position among the judges of this court. In fact, "Senior Judge" was the designation given to the position Chief Judge Holderman now holds prior to the renaming of the position in 1948 as "Chief Judge."

Consequently, it is the determination of this court by Chief District Judge Holderman in accordance with the parties' contract that Retired U.S. District Judge Wayne R. Andersen is appointed as this court's nominee to be the third member of the Arbitration Board.

Judgement on the pleadings ordering the arbitration between the plaintiff Union and the defendant Fisher is entered with costs to each side.